

REMARKS

The Office Action dated May 22, 2008, has been received and carefully considered. In this response, claims 26, 30, 34, 44, 49, 50, and 55 have been amended and claims 45, 47, 51, and 53 have been canceled without prejudice. No new matter has been added. Entry of the amendments to claims 26, 30, 34, 44, 49, 50, and 55, and the cancellation of claims 45, 47, 51, and 53 without prejudice is respectfully requested. Reconsideration of the current rejections in the present application is also respectfully requested based on the following remarks.¹

I. THE EXAMINER INTERVIEW

At the outset, the undersigned thanks Examiners Gu and Bragdon for the courtesies extended during the Examiner Interview conducted on October 23, 2008. During the Examiner Interview, agreement was reached as to an amendment to independent claim 26 to overcome the pending rejection of independent claim 26 under 35 U.S.C. § 102 in view of Wu. Thus,

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions made by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

claim 26 has been amended herein to reflect the agreement reached, as well as to further clarify the claimed invention. Several dependent claims have also been amended to insure proper antecedent basis in view of the amendments to the independent claims.

II. THE ALLOWABILITY OF CLAIMS 36, 45-49, AND 51-55

Applicant notes with appreciation the indication on page 13 of the Office Action that claims 36, 45-49, and 51-55 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and pending the withdrawal of the 35 U.S.C. § 112, second paragraph rejections. Independent claims 44 and 50 have been amended in this manner, and thus should now be allowable. Acknowledgment of same is respectfully requested.

III. THE OBJECTION TO CLAIM 55

On page 2 of the Office Action, claim 55 was objected to because of informalities. The Examiner noted that "'the data' should be 'a data.'" Applicants respectfully submit an amended claim 55, removing the term "the." The term "data" finds antecedent basis within independent claim 50, from which claim 55 depends.

In view of the foregoing, it is respectfully requested that the aforementioned objection to claim 55 be withdrawn.

IV. THE WRITTEN DESCRIPTION REJECTION OF CLAIM 30

On page 3 of the Office Action, claim 30 was rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully disagree. However, in order to forward the present application toward allowance, Applicants have amended claim 30 to remove the term "is the same."

In view of the foregoing, it is respectfully requested that the aforementioned written description rejection of claim 30 be withdrawn.

V. THE INDEFINITENESS REJECTION OF CLAIMS 30, 34, AND 37

On pages 3-4 of the Office Action, claims 30, 34, and 37 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. Applicants respectfully disagree. However, in order to forward the present application toward

allowance, Applicants have amended claim 30, as shown in section IV, above, to remove the term "is the same," and have amended claim 34 to include "the second data store."

With regard to claim 37, Applicants respectfully disagree that the "limitation lacks sufficient antecedent basis." Support may be found at, for example and without limitation, paragraph [0033] of the published application. Support may also be found in other paragraphs and/or figures of the application.

In view of the foregoing, it is respectfully requested that the aforementioned indefiniteness rejection of claims 30, 34, and 37 be withdrawn.

VI. THE ANTICIPATION REJECTION OF CLAIMS 26-29, 31-35, 37-44, AND 50

Claims 26-29, 31-35, 37-44, and 50 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,981,114 ("Wu"). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re King, 801 F.2d 1324, 1326 (Fed. Cir. 1986). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Celeritas Tech., Ltd., v. Rockwell Int'l

Corp., 150 F.3d 1354, 1361 (Fed. Cir. 1998). "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533 (Fed. Cir. 1985). Such possession is effected only if one of ordinary skill in the art could have combined the disclosure in the prior art reference with his/her own knowledge to make the claimed invention. Id..

Regarding independent claims 26, 44, and 50, the Examiner asserts that Wu discloses the claimed invention. Applicants respectfully disagree. However, in order to forward the present application toward allowance, Applicants have amended claim 26 to more specifically define the claimed invention, and specifically those features that differentiate the claimed invention from Wu, as well as the other cited references. As discussed above, Applicants' counsel and Examiners Gu and Bragdon reached agreement as to an amendment to claim 26 to overcome the pending rejection of claim 26 in view of Wu. The amendments to claim 26 reflects the agreement reached, as well as further clarify the respectively claimed inventions. In view of the foregoing, it is respectfully that claims

1, 14, 21, and 23, as amended, are allowable over Wu. As discussed above, Applicants respectfully submit amendments to independent claims 44 and 50, incorporating claims 45 and 51, respectively, which the Examiner found to be allowable if rewritten in independent form. All independent claims currently in the application should thus be allowable.

Regarding claims 27-35 and 37-43, these claims are dependent upon independent claim 1. Dependent claim 36 has been indicated to be allowable. Thus, since independent claim 1 should be allowable as discussed above, claims 27-35 and 37-43 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, claims 27-35 and 37-43 recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the anticipation rejection of claims 26-55 be withdrawn.

VII. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to

expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

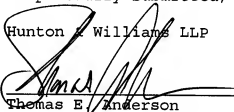
To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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